

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Charles Fields,

Plaintiff,

v.

Case No. 13-14164

Cheryl Flanagan and
Donald E. Trammell,

Honorable Sean F. Cox
Magistrate Judge Mona K. Majzoub

Defendants.

_____ /

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

This is a prisoner civil rights case. On September 30, 2013, Plaintiff Charles Fields, a *pro se* prisoner, filed a two-count complaint against Defendants Donald E. Trammell (“Trammell”) and Cheryl Flanagan (“Flanagan”) in their individual capacities only. Plaintiff’s claim against Defendant Trammell is a First Amendment retaliation claim brought pursuant to 42 U.S.C. § 1983. Plaintiff’s claim against Defendant Flanagan is also brought pursuant to 42 U.S.C. § 1983.

It appears undisputed that, while Plaintiff was incarcerated at the Ryan Correctional Facility in Detroit, Michigan, he filed a grievance against Trammell. Plaintiff claims Trammell then retaliated against him for filing the grievance, in violation of his First Amendment rights, by denying Plaintiff’s request for personal hygiene items like soap, toothpaste, toothbrushes, and deodorant for a five-month period. Plaintiff further claims that Defendant Flanagan instituted a practice and custom regarding his withdrawal of funds from his prison account that prevented him from purchasing his own personal hygiene items.

On February 27, 2015, Defendants filed a Motion For Summary Judgment (Doc. #23).

Plaintiff responded, (Doc. #25), and Defendants replied. (Doc. #26). This case was referred to Magistrate Judge Mona K. Majzoub for all pretrial proceedings, and for a report and recommendation on dispositive matters, pursuant to 28 U.S.C. §§ 636(b)(1)(A), (B).

On July 28, 2015, Magistrate Judge Majzoub issued a Report and Recommendation (“R&R”) wherein she recommended that this Court GRANT Defendants’ Motion as to Flanagan but DENY Defendants’ Motion as to Trammell. (R&R, Doc. #27).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. FED. R. CIV. P. 72(b)(2). “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge’s recommendation. Therefore, the Court hereby ADOPTS the July 28, 2015 R&R. IT IS ORDERED that Defendants’ Motion for Summary Judgment (Doc. #23) is DENIED as to Defendant Trammell and GRANTED as to Defendant Flanagan.

IT IS SO ORDERED.

Dated: August 25, 2015

S/ Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on August 25, 2015, the foregoing document was served on counsel of

record via electronic means and upon Charles Fields via First Class mail at the address below:

Charles Fields 261409
Central Michigan Correctional Facility
320 N. Hubbard
St. Louis, MI 48880

S/ J. McCoy
Case Manager